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APPEARANCES:

For the Defendant: MEYER & O'CONNOR LLC by  
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1 (In open court.)

2 THE CLERK: 10 CR 1052, the United States versus Leo  
3 Stoller for status.

4 THE COURT: Good morning.

5 MR. MEYER: Good morning, your Honor. John Meyer for  
6 Leo Stoller, who is present in court this morning.

7 MR. McKENNA: Good morning, your Honor. Patrick  
8 McKenna for the United States, stepping up for Timothy Chapman.

9 THE COURT: Okay. Good morning. I believe the last  
10 time I saw you, we were concerned about Mr. Stoller's health.

11 MR. MEYER: Yes, Judge. There's two issues pending.  
12 One is an examination for competency at the time he entered his  
13 plea. In that regard, the Court approved -- and it was also  
14 approved by the Court of Appeals -- the appointment of a  
15 psychiatric or psychological expert to evaluate Mr. Stoller,  
16 and Mr. Stoller has not yet set an appointment for the  
17 evaluation, but he informs me he will do that this week.

18 On the second issue as far as Mr. Stoller's medical  
19 condition, he, as we explained last time in court, he has a  
20 tumor. He needs surgery to remove it. That surgery is  
21 scheduled for next Monday, February 11th. Mr. Stoller expects  
22 to be hospitalized for two to four days, and then he'll need a  
23 period of recovery after that. And then after that, he'll need  
24 to meet with the psychologist and complete the examination.

25 So if I could suggest a status in 60 days, we'll know

1 where we stand as far as the competency evaluation and  
2 Mr. Stoller's prognosis following the surgery.

3 THE COURT: Okay. I have a few questions.

4 Do we have a psychiatrist appointed by name?

5 MR. MEYER: Yes. It's Robert Heilbronner.

6 THE COURT: Okay.

7 MR. MEYER: H-E-I-L-B-R-O-N-N-E-R.

8 THE COURT: Okay.

9 MR. MEYER: I think -- I'm not sure on the first name.  
10 I think it is Robert.

11 THE COURT: Is that Isaac Ray, is that --

12 MR. MEYER: No, it's not Isaac Ray. He's an  
13 independent psychologist.

14 THE COURT: Independent. Okay. After -- and after  
15 the surgery, is Mr. Stoller going to need to go through some  
16 kind of chemo or radiation?

17 MR. MEYER: They have not determined whether the tumor  
18 is malignant yet, so that will be part of the -- following the  
19 surgery, they'll do the appropriate evaluation of the tumor and  
20 determine whether it's malignant or not.

21 THE COURT: Okay.

22 MR. MEYER: And then, of course, if it is, I assume it  
23 would be -- there would be further radiation and/or  
24 chemotherapy.

25 THE COURT: Okay. And so the surgery, which is

1 scheduled for Monday, and then the hospitalization, you believe  
2 that in the 60-day period he will actually be able to go after  
3 that to report to the psychologist for his review?

4 MR. MEYER: I'm expecting -- I mean, it's all going  
5 to -- I will consult with Mr. Stoller after the surgery, and  
6 I'm assuming that he will, you know, within 20 to 30 days be in  
7 a position where he can participate in the psychological  
8 evaluation. But, I mean, if your Honor just wants to set a  
9 status for 30 days, then, you know, we could further inform the  
10 Court on the surgery.

11 THE COURT: Right. I kind of want to keep a tighter  
12 reign on it so we find out exactly what's happening. Now, if  
13 he's too ill or whatever based upon his medical condition after  
14 the surgery to see us at that time, at least you could report  
15 to me.

16 MR. MEYER: I can, Judge.

17 THE COURT: Okay.

18 MR. MEYER: And I will.

19 THE COURT: So let's go four weeks out from today --  
20 make it five weeks out from today.

21 THE CLERK: March 13th, Judge.

22 THE COURT: And I'll do that at 9:30 for a status.

23 And I'm going to exclude time based upon the competency  
24 evaluation that's pending.

25 Do you have any objection to that?

1 MR. MEYER: Since a plea has already been entered --

2 THE COURT: Oh, of course. We're talking about

3 whether or not it should be revoked, right? Okay.

4 MR. MEYER: So that was March 13th at what time, your  
5 Honor?

6 THE COURT: 9:30.

7 MR. MEYER: 9:30. Thank you.

8 THE COURT: Anything from the government on that?

9 MR. McKENNA: No, your Honor. We're amenable to that.

10 THE COURT: Thank you.

11 MR. MEYER: Thank you.

12 THE COURT: Good luck, Mr. Stoller.

13 THE DEFENDANT: Thank you.

14 (Proceedings concluded.)

15 C E R T I F I C A T E

16 I certify that the foregoing is a correct transcript of the  
17 record of proceedings in the above-entitled matter.

18

19

20 /s/ GAYLE A. McGUIGAN  
Gayle A. McGuigan, CSR, RMR, CRR  
21 Official Court Reporter

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August 19, 2013  
Date